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Counsel for Plaintiffs in Member Case CV-24-87

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

WESTERN WATERSHEDS PROJECT, et
al.,

Consolidated Plaintiffs,

ANIMAL WELLNESS ACTION, et al.,

Consolidated Plaintiffs,

vs.

UNITED STATES FISH AND WILDLIFE
SERVICE, et al.,

Lead Case
CV-24-86-M-DWM

Member Cases
CV-24-87-M-DWM
CV-24-97-M-DWM

DECLARATION OF
KC YORK

Federal-Defendants,
And

SPORTSMEN'S ALLIANCE
FOUNDATION, et al.,

Defendant-Intervenors

Pursuant to 28 U. S. C. § 1746, I, KC York, declare under penalty of perjury that the following is true and correct:

1. I reside in Hamilton, Montana. I am over 18 years of age and competent to testify. I have personal knowledge of each of the facts set forth below.

2. I am a member, the President of the Board of Directors, and Founder of Trap Free Montana, a 501(c)(3) nonprofit.

3. My educational background is in wildlife biology and psychology with emphasis on animal behavior and child development.

4. Trap Free Montana is a boots-on-the-ground grassroots organization based out of the Bitterroot Valley in Montana. Our mission is to connect hearts and minds through science, truths in trapping, and compassion for wolves and other wildlife. We promote biodiversity, coexistence, and responsible stewardship.

5. Trap Free Montana is a non-political group with more than 1,500

members and supporters, mainly in Montana. We are truly diverse and comprised of hunters, hounds-men, former trappers, vegans, ranchers, hikers, wolf lovers, dog lovers, nature lovers, wildlife watchers, and photographers. We unite in opposing trapping. Caring about wolves, wolf conservation, and other large predators is a common denominator. Our members are bipartisan in their opposition to trapping. This case furthers Trap Free's organizational interests in working to protect and conserve wolves. This case also furthers my personal and professional interests in wolves and wolf conservation.

6. I believe, both personally and professionally (as the founder of Trap Free Montana), that wolf management in Montana, the Northern Rockies, and across the western United States is largely politically (as opposed to scientifically) driven, including the U.S. Fish and Wildlife Service's ("the Service's") decision denying wolves Endangered Species Act ("ESA") protections at issue here. I believe such politically driven wolf management is devoid of scientific integrity, ethics, fair chase, empathy, and transparency and in places like Idaho, Montana, and Wyoming is fueled by one goal - to reduce the wolf population to the bare minimum. Representatives in the Montana State Legislature often make this goal abundantly clear by instructing the Montana Fish & Wildlife Commission that they are mandated through the legislature to reduce the wolf population to the bare

minimum.

7. I was raised by parents from opposite backgrounds who loved animals. One could best describe it as the show, Green Acres. However, my stepfather knew all about ranching and farming. My Mom was a New York City girl, later a model, who while growing up in the depression era fed the only milk that they had to kittens she found in garbage cans. Mom never met an animal she did not like and very few she could not heal. Her greatest love were wolves. One of her dying wishes was for me to continue to work hard to protect and conserve wolves.

8. My stepfather was part Native American, a hunter, a moonshine maker, and a rancher on hundreds of acres from generations rooted in the deep South. He trapped during the depression to try to get enough money to get into the city. Together, they taught me about all kinds of animals, caring for, and respecting them. I rescued many and continue to do so. Love for animals – including wolves was engrained in me. Neither of my parents could stand animal cruelty and therefore, certainly not trapping. Connecting with and having compassion for animals, like wolves, quickly became my culture and it is the essence of who I am.

9. I worked as a veterinarian technician after high school but could not stomach the killing of healthy animals for a Veterinary degree. Over the years, I served on various boards for animal nonprofits and started one animal rescue

myself. I worked in Nevada and the Mohave desert as a field hand for a large mining company. Along the way, I completed a wildlife rehab certificate. I live-trapped and relocated prairie dogs to the Pawnee National Grasslands who were destined to be poisoned for more housing developments in Colorado.

10. I moved to Montana in 1998 to have land, plentiful diverse wildlife, and raise my boys like Tom Sawyer and Huck Finn. Moose, black bear, and turkey were commonly encountered. On our property and next to the house we loved hearing the song of the coyotes and hoped someday we would hear wolves, too. Domestic dogs posed a greater threat to our livestock than the wildlife ever did.

11. My formal education is in wildlife biology and psychology with an emphasis on animal behavior and child development. I found the wildlife biology field prioritized hunter success and fell short on embracing the sciences. Wildlife was viewed as serving a utilitarian purpose, rather than an ecological niche, and as sentient beings worthy of life in and of itself.

12. I have always had a deep and significant concrete interest in wolves and wolf conservation. Much of my work has been and continues to be focused on protecting wolves (and other creatures) from trapping and other forms of human-caused mortality, especially in the Northern Rockies where I live. I believe trapping and killing wolves is not only cruel and inhumane but also is adversely affecting wolf

recovery and conservation in the region (by lowering numbers, including breeders, disrupting pack dynamics, and limiting dispersal and connectivity needed for the larger metapopulation of wolves).

13. I worked on efforts to protect wolves and other creatures from trapping in Montana in 2009. I attended a trap release workshop put on by Footloose Montana. I wondered why this effort was focused on releasing trapped pets and not to just stop trapping. In absolute horror, I listened as a man present who had just had his beloved Golden Retriever strangled to death in a snare down by the Bitterroot River in my hometown. He thought his dog, Logan, was jumping around after a field mouse but Logan was being choked to death by an inconspicuous wire snare. I could not imagine this happening to any of my precious dogs or for my kids to experience this nightmare to them and knowing this act was done willingly and intentionally for any unsuspecting victim. I could also not imagine this happening to a wild wolf. I was therefore committed to ending trapping on public lands in Montana, which are only one-third of the state. I believe we should be able to safely recreate on our public lands without these secreted and baited land mines.

14. In Montana, our attempt for a 2010 trap free public lands ballot initiative fell short of getting on the ballot, but by only 1500 signatures. This was during the time of wolf delisting under the ESA. Like myself, many people voiced

upset and concern for the wolves since they would now be deprived of protective ESA status and subject to more human-caused mortality from trapping and hunting.

15. To increase public awareness and education about trapping and the fate of wolves (post delisting), in January of 2011, I created and ran a Facebook page for the anti-trapping organization. In 2012, the first year Montana permitted wolf trapping, we posted a photo on our Facebook page obtained of an Idaho forest employee who trapped a beautiful black wolf shown standing in bloodied snow. Kids had allegedly taken potshots at the wolf caught in the leg-hold trap which resulted in the bloodied snow. Pasted below is a true and correct copy of the photo that was posted on our Facebook page at the time:



16. The images posted on our Facebook page went viral, global. Wolf advocates demanded the employee be fired. People called us crying, livid, outraged at

what happened. One supporter said we should befriend him, instead, as certainly, he must have regretted what he did. The employee did not lose his job as there was nothing illegal, at least known, that he did. Despite the widespread shame he received, the employee said he went and set 100 snares for the rest of the pack. This is just one example of the type of harm to my personal and professional interests in wolves and wolf conservation that occurs when the species loses its ESA protective status. The killing and trapping of wolves in the Northern Rockies seriously harm my interests and those of Trap Free Montana both in terms of the immediate loss of the individual and the harm to the conservation of wolves in the Northern Rockies. I know, for instance, how the killing of certain individuals in a pack – especially breeders – can disrupt pack dynamics which simply causes more problems and deaths. Such killing affects the ability of wolves to disperse and move which is so important for metapopulation dynamics.

17. I believe the best way for wolves to survive and recover in the Northern Rockies and across the western United States is to afford them protective ESA status that would eliminate or reduce the amount of killing and force the Service to undertake meaningful conservation efforts. Right now, the Service estimates there are less than 3,000 gray wolves in the entire western United States, and I know this population has experienced recent declines in numbers, which is no surprise given

the level of human-caused mortality occurring in the Northern Rockies.

18. I believe that if the Service made wolf management decisions based on the science and not politics, policy, or state and trapper interests, as required by the law, that wolves would get the protections they deserve. The wolf's range and numbers, in turn, would increase to levels that would certainly benefit me, my interests, and those of Trap Free Montana.

19. If I never see another wolf again, I want to be assured they are out there living as nature intended, not a token population, but self-sustaining and thriving (which is so important for restoring balance in the ecosystem). I want my grandchildren to be able to see wolves and not just within the boundaries of a National Park like Yellowstone. I and my family derive immense pleasure in recreating and using areas in the western United States (including the Northern Rockies) that are occupied by wolves – it is a big part of our experience. I also derive benefits from working to conserve wolves, which includes working to secure the ESA protections (and all the benefits of such protections) for wolves.

20. For me, seeing wolves in the wild is a once-in-a lifetime unforgettable experience. In 2012, my first time seeing a wolf, I cried blurring my vision while trying not to blink watching the wolves in Yellowstone through the scope. An author of a book about wolf OR-7, Becky Elgin, who I had just met, shared this magnificent

moment with me. We quickly became kindred spirits, but she shared my sincere worry and dilemma in observing these wolves. I am outraged that wolf trappers and hunters have robbed us of being able to watch and learn from wolves without endangering their lives. I am astounded that Yellowstone wolves are not protected to live as naturally as possible because bait, traps, snares, and shooters wait for them just across the imaginary line due to the species delisting under the ESA. A supporter sent Trap Free Montana the image of a collared, well-known Yellowstone wolf and shared her depression over her being killed and after watching this wolf for years. This is common.

21. I was honored to present at the first Yellowstone Wolf Summit a couple of years ago and before notable attendees, and other presenters, i.e., Dr. Doug Smith. Yellowstone Superintendent, Cam Sholly, graced us with his presence. He complimented the organizer of the event, Kim Bean, and all her work for wolves. People came from all over the country. I spoke first about the disastrous 2021 Montana legislative session against wolves. Another day, I did a presentation on trapping and that it is on steroids when it comes to wolves. Carter Neimeyer, who I consider my mentor, joined me on stage and conducted the trap release demonstrations. Carter said it was the best wolf event he had ever attended and been a part of.

22. In 2021, when wolf quotas outside Yellowstone were removed, I warned wolf advocate organizations, of what was to come in terms of high morality levels and the impact this has on individual wolves, packs, and metapopulation dynamics in the region. Tragically, I was right. At least 21 Yellowstone wolves, including pups and an entire pack, were slaughtered by trappers and shooters that season alone. This is what happens when wolves lose their ESA protective status in states like Montana. Even with a quota since re-installed just outside Yellowstone, they continue to kill wolves over quota.

23. I believe wolves are the scapegoat for anti-government mindsets. They continue to propagate the nonsense that the wrong wolves were reintroduced and by the government. One recent Montana legislative session, a legislator spoke in fear of the 200-pound wrong wolves that were forced upon us. Thus, Yellowstone wolves and wolves in the Northern Rockies in general carry a giant target on their backs since they are not federally protected under the ESA. While listening and reading the writings of wolf haters, it is clear the generations who wiped out the wolf before in the western United States are not far removed. With the Service's failure to apply the best available science and list wolves under the ESA, these people are and remain empowered and set on reducing numbers to unsustainable levels.

24. In both my personal capacity (as someone who values and wants to

conserve wolves) and professional capacity (as an employee and founder of Trap Free Montana) I watch the Montana wolf dashboard and the reported kills. It is heartbreaking to see the wolves killed, in duplicate, triplicate, quadruples, etc. from a given area, the same day or two, and knowing these were family members, pups, mated pairs, even entire packs. It pains me knowing the loyalty and social nature of the pack and therefore the ease in destroying them. Protective status under the ESA would rein in these types of kills and help restore the species to larger parts of Montana, the Northern Rockies, and the western United States.

25. I and Trap Free Montana's members and supporters also find it appalling hundreds of wolves, annually, in each state of Montana, Idaho, and Wyoming are being killed for recreational purposes and commercial gain. Wolves in Wyoming cannot manage to get much beyond the 300 minimum because they are labeled as predators throughout 85 percent of the state and can be killed by any disturbing unimaginable means, year-round. Only a small percentage of the annual wolves killed in Montana are by Wildlife Services and individuals under SB200 are for livestock protection. The findings are wolves are a minuscule factor in livestock mortality. We believe wolves are being killed for revenge, recreation, and for profit and find it unconscionable to my interests. I believe future generations will look back at us with disbelief and disgust in how wolves were treated.

26. I believe that wolf dispersers – especially from areas like Montana, Idaho, and Wyoming (that have the highest numbers of wolves) - are vital to the wolf population and conservation more broadly, in the western United States as they widen the gene pool garnishing the health of the population. However, they are especially vulnerable to being killed when out on their own in the Northern Rockies where they remain delisted under the ESA. The saying holds true that the strength of the pack is the wolf, and the strength of the wolf is the pack. The killing of Yellowstone wolf #1155 – referred to as Max – illustrates the problem and harm caused to my personal and professional interests. I, and all our supporters were so deeply disturbed and for a variety of reasons by the trapping and killing of Max. He was a known and collared Yellowstone wolf by wolf watchers, tour operators, photographers, and researchers. The economic value to tourism of a Yellowstone wolf exceeds the sale of their fur by 100 times. The loss of the scientific research must be priceless. I cannot begin to put a price on the emotional worth of a wolf. For me and many others, the price is limitless.

27. In 2021, the Montana legislature passed bills allowing snaring of wolves, removing the quotas outside the national parks, extending the wolf trapping season another month, allowing bounties for trapped and hunted wolves, mandating wolves be reduced to the bare minimum and allowing shooting over bait and night

hunting of wolves with the use of vision aides. FWP tried to later insert the use of thermal into the wolf regulations. Trap Free Montana sued and prevailed. Without protection under the ESA, we can expect to see thermal use for wolves in the next legislative session.

28. I, Trap Free Montana's many supporters, and other wolf advocates were the far majority who submitted written public comment and testified over zoom and in person before the 2021 Montana legislature against these horrendous, unethical, wolf killing bills. I testified 19 times. I had also arranged for trapping expert out-of-state witnesses, Carter Niemeyer, and Dr. Winston Vickers to testify over zoom against SB224 which would allow snaring of wolves. Leg-hold traps for wolves are monstrous, powerful, and thus very injurious. Snares though are deadly. Ram power snares are legal on private land in Montana and have rapidly and silently killed even prized beloved hunting dogs.

29. An ongoing major project that Trap Free Montana is best known for are our billboards along major highways across Montana. Our first billboard that currently remains up is of a dying trapped wolf. Adipose tissue is oozing from the trapped paw. The image was shared with us for our educational use by a wildlife photographer who stumbled upon this poor trapped wolf. Our 6-year ongoing billboard project, with about a dozen or so boards up at a time across the state, has

served to increase public awareness about trapping and significantly achieved my goal in never ever hearing someone again say, “I did not know trapping was still going on.”

30. Trap Free Montana monitors the reported trappings, including of non-targets. Trap Free Montana pays towards medical and rehabilitation bills for the trapped animal. Trappers pay nothing. We have a hard-to-see commercial of a trapped wolf and other trapping victims, urging the public to help end the suffering. We promote non-lethal methods to respectfully coexist with wildlife and in lieu of trapping and killing. I am a consistent participant at the Montana Fish & Wildlife Commission hearings related to wolves and other large predators and, of course, trapping. Our supporters take effective action in my many calls to write, call, and speak up, especially for wolves.

31. I have reviewed hundreds of wolf harvest reports for the 2021 season (which had to request). State wolf “management” in places like Idaho, Montana, and Wyoming – which is a source population for other parts of the western United States (which desperately need more wolves and are currently either unoccupied or occupied by related small populations and isolated packs) - is like an unbelievable bad movie. It is hard to comprehend morally and scientifically what is legally done to wolves in the Northern Rockies and yet the Service still denies them protections

under the ESA and turns a blind eye towards the best available science.

32. In Montana, we no longer have any biologists on the F&W Commission. It is dominated by livestock producers, outfitters, and trophy hunters further compromising any science-based proposals, decisions, and lacks representation for all stakeholders. I believe wolf “management” in Montana will thus only get worse and more wolves will be killed every year.

33. I personally (and professionally) believe the Service has side stepped its responsibility under the ESA to make listing decisions solely on the best available science, provide protective ESA status to wolves, and stop this well-orchestrated strategic plan to kill wolves by states like Montana, Idaho, and Wyoming. I fail to see how wolves can be deemed recovered given their current numbers in the western United States and while they are systematically being destroyed over these years in the Northern Rockies (an important source population).

34. Absent ESA protective status, as requested in the petition, efforts to increase the persecution of wolves will undeniably continue as those entrusted to protect wolves have washed their hands of them. This inaction intensifies the direct damage to wolves and my interests and the collateral damage to non-target trappings of wildlife and pets and to all of us who value wolves alive. I, and our supporters, find it beyond shameful to bring back the wolf, only to see them destroyed again. I

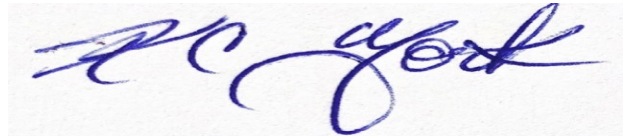
believe the Service's denial to list wolves in the western United States (including the Northern Rockies) has exacerbated this radical political driven mismanagement of wolves.

35. Compassion and the best available science inform my relationship with the wolves in the Northern Rockies (and western United States). The many years and countless witnessing of wolves inhumanely trapped and/or killed because the Service has failed to apply the best available science and provide wolves the ESA protections they deserve in the western United States and Northern Rockies has harmed and continues to harm my personal and professional interests in wolves and wolf conservation in the western United States and Northern Rockies. It also harms the organizational interests and goals of Trap Free Montana and its supporters and members.

36. The Service's decision to deny protections for wolves in the western United States (including the Northern Rockies) has caused ongoing harm to myself and Trap Free Montana's many supporters in large part because it directly deprives these wolves of the critical conservation measures that such an ESA listing affords and, by extension, it deprives us of our ability to view, study, respect, conserve, and enjoy these special creatures and protect them from excessive and unsustainable human-caused mortality.

37. I believe that if this Court vacates the Service's "not warranted" finding and remands this matter back to the Agency, it will likely redress the harms to my personal and professional interests. The Service would be compelled to make a decision based solely on the best available science (not politics or policy). The Service would have to return to and apply the best available science on the threats to wolves in the western United States, including the best available science on small population size, the human-caused mortality, the cumulative threats, and comply with the law. A favorable ruling could thus result in a future listing (if the Service applies the best available science as required by the ESA) which would likely result in the prohibition of wolf hunting and trapping in areas where it is currently allowed. I believe this would allow wolves to recover, welcoming a return to ecological balance, and finally putting an end to Montana's and other states' war on wolves.

Executed this 13th day of January, 2025



_KC YORK_____